

ASSEMBLY BILL

No. 1249

Introduced by Assembly Member Galgiani

February 27, 2009

An act to amend Section 19348 of the Food and Agricultural Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 1249, as introduced, Galgiani. Dead animal haulers.

Existing law prohibits a dead animal hauler or any other person from transporting any dead animal to any place, other than to certain specified facilities or destinations, unless a certain waiver is granted by the State Veterinarian. Existing law makes a violation of these provisions a crime.

This bill would also make that prohibition inapplicable when a waiver is granted by the State Veterinarian in conjunction with implementation of a state of emergency or local emergency, as defined. The bill would authorize the State Veterinarian to issue a master or individual permit to a licensed dead animal hauler or an individual hauling his or her own animal that allows transport of a dead animal to an appropriately permitted landfill under certain circumstances.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature hereby finds and declares all of
- 2 the following:
- 3 (a) The rendering industry is a critical health and safety
- 4 infrastructure for California. Rendering is an effective tool to

1 eliminate many human and animal disease pathogens, protects our
2 groundwater and air resources, and greatly reduces greenhouse
3 gas emissions compared to other alternative disposal options.

4 (b) Rendering is the process of recycling waste animal tissue
5 into stable, value-added materials. Every year rendering recycles
6 approximately 59 billion pounds of perishable material generated
7 by the livestock and poultry meat and poultry processing, food
8 processing, supermarket, and restaurant industries. The rendering
9 industry turns this material into valuable ingredients such as
10 biofuels, various soaps, paints and varnishes, cosmetics, explosives,
11 toothpaste, pharmaceuticals, leather, textiles, and lubricants used
12 daily in most households.

13 (c) Following a heat wave in California's San Joaquin Valley
14 where thousands of livestock perished, overwhelming our carcass
15 handling infrastructure, the Department of Food and Agriculture
16 (DFA) and the California Environmental Protection Agency
17 (CalEPA) formed the Emergency Animal Disposal Workgroup.
18 The mission of the workgroup is to make recommendations in
19 regards to improvement of any legal, procedural, technical, or
20 other issues related to the existing emergency animal disposal
21 structure to streamline emergency animal carcass disposal while
22 protecting public health, animal health, and the environment. The
23 workgroup is cochaired by DFA and CalEPA and has members
24 who represent local, state, and federal government agencies, animal
25 agriculture, renderers, and the waste management industry.

26 SEC. 2. Section 19348 of the Food and Agricultural Code is
27 amended to read:

28 19348. (a) Unless a waiver is granted by the State Veterinarian
29 in conjunction with implementation of Section 9562 *or a*
30 *declaration of a state of emergency or local emergency, as defined*
31 *in subdivisions (b) and (c) of Section 8558 of the Government*
32 *Code, pursuant to the California Emergency Services Act (Chapter*
33 *7 (commencing with Section 8550) of Division 1 of Title 2 of the*
34 *Government Code), no dead animal hauler or any other person*
35 *shall transport any dead animal to any place, other than to a*
36 *licensed rendering plant, a licensed collection center, an animal*
37 *disease diagnostic laboratory acceptable to the department, the*
38 *nearest crematory, or to a destination in another state that has been*
39 *approved for that purpose by the appropriate authorities in that*
40 *state.*

1 ***(b) The State Veterinarian may issue a master or individual***
2 ***permit to a dead animal hauler licensed pursuant to Section 19320***
3 ***or an individual hauling his or her own animal that allows***
4 ***transport of a dead animal to an appropriately permitted landfill***
5 ***under either of the following circumstances:***

6 ***(1) During a proclaimed state of emergency or local emergency,***
7 ***as defined in subdivisions (b) and (c) of Section 8558 of the***
8 ***Government Code.***

9 ***(2) When the licensed hauler has certification from a licensed***
10 ***renderer, in a manner defined by the department, that the licensed***
11 ***renderer cannot process the dead animal due to operational***
12 ***conditions or legal or regulatory requirements or constraints.***

13 ~~***(b)***~~

14 ***(c) Nothing in this section shall be interpreted to conflict with***
15 ***any state or federal environmental or zoning law, or to prohibit an***
16 ***owner of a live animal from burying the animal on the owner's***
17 ***property after the animal dies if the burial is within three miles of***
18 ***where the animal died.***

19 ~~***(e)***~~

20 ***(d) Subdivision (a) does not apply to the Department of***
21 ***Transportation or to local agencies having jurisdiction over a road***
22 ***or highway when engaged in removing animal carcasses from the***
23 ***road or highway.***